

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO NEVAREZ-CARREON,

Defendant.

**8:14CR324****ORDER**

This matter is before the Court on Defendant Fernando Nevarez-Carreón's ("Nevarez-Carreón") Notice of Appeal (Filing No. 141) and the Clerk of Court's memorandum addressing Nevarez-Carreón's ability to proceed on appeal in forma pauperis (Filing No. 142).

"A litigant seeking to appeal a judgment must either pay the required filing fees . . . or proceed in forma pauperis . . . ." *Swift v. Williams*, No. 8:17CV331, 2017 WL 6812606, at \*1 (D. Neb. Dec. 13, 2017) (citing 28 U.S.C. § 1915; Fed. R. App. P. 3, 24). Nevarez-Carreón seeks to appeal from the Court's Memorandum and Order (Filing No. 138) denying Nevarez-Carreón's motion to reduce sentence under 18 U.S.C. § 3582(c)(1)(A) as amended by Section 603 of the First Step Act, and the Memorandum and Order (Filing No. 140) denying his Motion to Reconsider.

The Court denied Nevarez-Carreón's Motions for the same reasons it denied his previous motions for compassionate release (*see* Filing No. 138). The Court also previously denied in forma pauperis status based on the same arguments that Nevarez-Carreón makes in the motions he is now appealing (*see* Filing No. 124). Additionally, Nevarez-Carreón was represented by retained counsel during his criminal proceedings, but he has not submitted documentation of his in forma pauperis status, as required by Federal

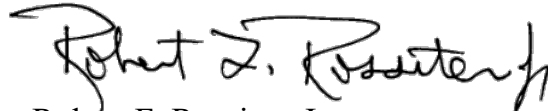
Rule of Appellate Procedure 24(a)(1). Accordingly, the Court adopts its previous reasoning and will not permit Nevarez-Carreon to proceed in forma pauperis.

IT IS ORDERED:

1. Nevarez-Carreon is denied leave to proceed in forma pauperis on appeal;
2. The Clerk of Court is directed to mail a copy of this Order to the Nevarez-Carreon at his last known address; and
3. The Clerk of Court is directed to provide a copy of this Order to the United States Court of Appeals for the Eighth Circuit.

Dated this 19th day of April 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.  
United States District Judge